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Paper No. None

TOWNSEND AND TOWNSEND AND CREW, LLP
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SAN FRANCISCO CA 94111-3834

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APR 25 2005

In re Application of	:	OFFICE OF PETITIONS
Richard Daifuku, Alexander Gall, Dmitri	:	
Sergueev, Dina Sologub, and Kevin	:	
Harris	:	DECISION ON PETITION
Application No. 10/181,161	:	UNDER 37 C.F.R. §1.47(a)
Filed: March 31, 2004	:	
Attorney Docket No. 021227-000410US	:	
Title: PRODRUGS OF HETEROARYL	:	
COMPOUNDS	:	

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed September 27, 2004.

On March 31, 2004, the application was deposited, identifying Richard Daifuku, Alexander Gall, Dmitri Sergueev, Dina Sologub, and Kevin Harris as joint inventors. No oath or declaration was included on filing. On June 14, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and a surcharge of \$65.00 were required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has also submitted the petition fee, the surcharge associated with the late submission of an oath or declaration, a declaration of facts, a declaration which has been executed by joint inventors Sologub and Harris, the last known address of the non-signing

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

inventors, copies of letters, and copies of postal return receipts. Petitioner has also properly included a two-month extension of time to make timely this response.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shamoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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OFFICE OF PETITIONS

LETTER

Dear Mr. Daifuku:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Szarejko
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: TOWNSEND AND TOWNSEND AND CREW, LLP
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Alexander Gall
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LETTER

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